

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 157, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 137. IC 12-24-1-3, AS AMENDED BY P.L.215-2001,
- 3 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 3. (a) The director of the
- 5 division of mental health and addiction has administrative control of
- 6 and responsibility for the following state institutions:
- 7 (1) Central State Hospital.
- 8 (2) Evansville State Hospital.
- 9 (3) Evansville State Psychiatric Treatment Center for Children.
- 10 (4) Larue D. Carter Memorial Hospital.
- 11 (5) Logansport State Hospital.
- 12 (6) Madison State Hospital.
- 13 (7) Richmond State Hospital.
- 14 (8) Any other state owned or operated mental health institution.
- 15 (b) Subject to the approval of the director of the budget agency and
- 16 the governor, the director of the division of mental health and addiction
- 17 may contract for the management and clinical operation of Larue D.
- 18 Carter Memorial Hospital.
- 19 (c) **The following apply to the Evansville State Psychiatric**
- 20 **Treatment Center for Children:**
- 21 (1) **Notwithstanding any other statute or policy, the division**
- 22 **of mental health and addiction may not do the following after**
- 23 **December 31, 2001, unless specifically authorized by a statute**
- 24 **enacted by the general assembly:**
- 25 (A) **Terminate, in whole or in part, normal patient care or**
- 26 **other operations at the facility.**
- 27 (B) **Reduce the staffing levels and classifications below**
- 28 **those in effect at the facility on January 1, 2002.**
- 29 (C) **Terminate the employment of an employee of the**

- 1 facility except for cause in accordance with IC 4-15-2.
 2 (2) The division of mental health and addiction shall fill a
 3 vacancy created by a termination described in subdivision
 4 (1)(C) so that the staffing levels at the facility are not reduced
 5 below the staffing levels in effect on January 1, 2002.
 6 (3) Notwithstanding any other statute or policy, the division
 7 of mental health and addiction may not remove, transfer, or
 8 discharge any patient at the facility unless the removal,
 9 transfer, or discharge is in the patient's best interest.

10 SECTION 138. IC 12-24-2-9 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: **Sec. 9.** Notwithstanding any other
 13 law, an individual shall be admitted to the Evansville State
 14 Psychiatric Treatment Center for Children if the decision to admit
 15 the individual is approved by:

- 16 (1) the individual's gatekeeper; and
 17 (2) the Evansville State Psychiatric Treatment Center for
 18 Children's admission committee, which must consist of at
 19 least the following individuals:
 20 (A) The superintendent.
 21 (B) The medical director.
 22 (C) The clinical director.
 23 (D) The director of nursing."

24 Page 229, between lines 32 and 33, begin a new paragraph and
 25 insert:

26 "SECTION 194. [EFFECTIVE JULY 1, 2001 (RETROACTIVE)]
 27 (a) Notwithstanding any notice sent after June 30, 2001, the
 28 division of mental health and addiction may not terminate or lay
 29 off any employee at the Evansville State Psychiatric Treatment
 30 Center for Children after June 30, 2001, solely as a part of a staff
 31 reduction plan.

32 (b) Notwithstanding any other statute or policy, any employee
 33 at the Evansville State Psychiatric Treatment Center for Children
 34 terminated or laid off after June 30, 2001, solely as a part of a staff
 35 reduction plan shall have a preference for recall or reemployment
 36 at the facility.

37 (c) This SECTION does not prohibit, after June 30, 2001, the
 38 termination of the employment of an employee for cause in
 39 accordance with IC 4-15-2. However, the division of mental health
 40 and addiction shall fill a vacancy created by the termination so that
 41 the staffing levels at the Evansville State Psychiatric Treatment
 42 Center for Children are not reduced below the staffing levels in
 43 effect on January 1, 2002.

44 SECTION 195. [EFFECTIVE UPON PASSAGE] In addition to
 45 the requirements of any other law concerning procedures for the
 46 closure of Muscatatuck State Developmental Center, the director
 47 of the division of disability, aging, and rehabilitative services may
 48 not complete the closure of Muscatatuck State Developmental

Center until residents of the center are placed in adequate placements that meet the following criteria:

(1) The placements must appropriately meet the capabilities and needs of the residents.

(2) The placements must be located reasonably close to the families of residents so that the families may maintain the same level of contact with the residents that the families had before the residents were transferred from Muscatatuck State Developmental Center.

(3) The placements must be presented to the individual or the individual's representative for the person's input.

If there is a conflict between the provisions of this SECTION and SEA 217-2002 with respect to the criteria for the placements described in this SECTION, it is the intent of the general assembly that the criteria listed in this SECTION apply instead of those listed in SEA 217-2002."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001(ss) as printed June 13, 2002.

Senator LUTZ L